

**TOWN OF WOLFEBORO
PLANNING BOARD
September 19, 2023
APPROVED MINUTES**

I. Call to Order

Chair Kathy Barnard called the meeting to order at 7:00PM.

II. Introduction of Planning Board Members

Members Present: Kathy Barnard, Chair, Doug Breskin, Vice-Chair, Brad Harriman, Selectmen's Representative, John Thurston, Roger Murray, Vaune Dugan, Peter Goodwin, Members, Julie Jacobs, Steve Webster, Alternates.

Member Absent: Jane Nielsen, Alternate.

Staff Present: Tavis Austin, Director of Planning and Development, Michaela Beckwith, Recording Secretary.

III. Public Hearings

None.

IV. Discussion items

a. Shorefront Regulations

Kathy Barnard stated the last time the Board discussed such was July 18, 2022; noting previous changes were made based on Rich Masse and Julie Jacob's comments. Referencing the memo submitted to the Board titled New Proposal, she stated it was provided to the Board by Rich Masse on July 18 and speaks to shorefront lot improvement standards, see document attached. She stated she would like to move forward with such and schedule a public hearing on the matter.

Roger Murray stated the information submitted to the Board contains errors and does not include changes that were made from the Board's previous discussion. He stated Rich Masse made additional changes following the July 18 discussion that incorporates the Board's discussion and feels it would be more fruitful to engage in discussion of such rather than discuss a proposal that includes language that has been discarded.

It was moved by Roger Murray to request Rich Masse to present to the Board the document he prepared following the July 18, 2023 meeting which incorporates the Board's discussion at that meeting with regard to Shorefront Regulations.

Doug Breskin confirmed that Roger Murray is stating that the information provided to the Board for this evening's meeting contains outdated and erroneous information and that Rich Masse is in possession of an updated version.

Peter Goodwin asked if the Board will be able to see the changes/differences from the previous proposal in the document Mr. Masse will be providing.

Roger Murray replied yes, the Board can compare the July 18 material with Mr. Masse's new proposal.

Julie Jacobs stated she is not comfortable with making a decision based on information received at this meeting without having the time to thoroughly review the presented material.

Vaune Dugan stated the Board typically has information that is updated by them rather than a document prepared by someone else.

Doug Breskin seconded the motion. Brad Harriman, John Thurston, Doug Breskin, Roger Murray, Peter Goodwin, Vaune Dugan voted in favor. Julie Jacobs opposed. Kathy Barnard abstained. The motion passed (6-1-1).

Rich Masse reviewed the July 18, 2023 meeting discussion; noting the Board agreed to allow him to summarize the discussion. He stated he provided the summary on July 19 and noted the email exchange with Kathy Barnard stated the summary would be used in a discussion between Doug Breskin and Tavis Austin. He stated it was his expectation that the summary he provided would be included in the Board's packet for this evening along with additional comments from the discussion between Tavis Austin and Doug Breskin. He distributed the summary he prepared and submitted on July 19 to the Board.

Kathy Barnard questioned whether the Board should review the document submitted by Mr. Masse.

Tavis Austin stated his concern is that the document doesn't reflect the track changes between the current existing language and proposed language.

Doug Breskin stated the Board could review the document however, may not finalize such.

Tavis Austin noted the State changed their regulations on boathouses; noting the State now allows boathouses larger than 900 SF. He questioned whether the Board would like to maintain the existing ordinance or revise the ordinance to match the State.

Vaune Dugan stated she could provide illustrations of a 900 SF boathouse.

John Thurston expressed concern for the environmental impact by increasing the size of a boathouse.

The Board discussed compliance enforcement and including such as a condition of approval. They reviewed and discussed the language "No greater than 30% of the area of a lot within the protected shoreland may be composed of impervious surfaces." They also discussed nursery stock regarding the diameter and caliper of trees and established nursery standards.

Tavis Austin asked whether the Board has interest in determining or qualifying who determines that a tree is dead/terminally diseased/structurally unsafe (homeowners, arborists, foresters, etc.).

The Board discussed such.

Tavis Austin questioned the ability to regulate/enforce control over the use of phosphates.

The Board reviewed Mr. Masse's document and recommended/agreed to the following;

- Referencing 175-64, a) less than 75', b) to less than 100', c) 100' to less than 150', d) greater than 150'
- Section B, maintain definition of height
- Section C; the Board requested Staff to review the other residential zoning districts to determine if such is noted in those districts and work with the Code Enforcement Officer as to what the separation requirements would be
- Permitted Uses; include accessory dwelling units, include the language "attached"
- Boathouses; match the definition in the document to the definition in the definition section of the ordinance
- With regard to 225 SF or more of impervious surface – require a surveyor, engineer and/or architect to determine the SF of the impervious surface
- With regard to 225 SF or more of impervious surface – seek advice from agents who currently submit applications to the Planning Board as to their thoughts regarding the SF requirement or adding a percentage increase, percentage of shoreline and how the amount of impervious surface is determined
- Section 175-67 A.1.B.; make reference to C.5.
- Staff to seek guidance from Town Counsel relative to what leverage could be exerted after five years with regard to compliance enforcement (and review paragraph referencing such in the proposed ordinance)
- Maintain the existing text for A. in its current location which reads "No greater than 30% of the area of a lot within the protected shoreland may be composed of impervious surfaces." and, include the question of implications of such to the surveyors/engineers/agents
- Review thresholds for A through C
- On-site inspections – incorporate Mr. Maase's language
- Insert comma after "solid waste"
- Remove "sapling" and have the section read as follows; "Four and a half feet above the ground for existing trees. The diameter of the existing trees and the caliper of nursery stock/new plantings..." (remove the word sapling out of the entire paragraph and replace with either nursery stock or new plantings), remove "established" when referencing nursery standards, state what the nursery standard is rather than referencing the standard
- Revisit who has the authority to determine whether a tree is dead/terminally diseased/structurally unsafe – possibly the Town's Tree Warden
- Maintain the language in Mr. Maase's document relative to trees
- Lot Development, page 6 (immediately below the table); modify language regarding foot path direct access to reflect original intent – staff to present an illustration to the Board
- Page 7, revise language to reflect the following; "No chemical fertilizer may be used within 25' of the reference line and an exception would be a low phosphorus slow released nitrogen fertilizer."
- Maintain definitions in existing location

b. ½ Bath/Ground Floor

The Board tabled discussion of such.

c. ADU Regulations

Kathy Barnard stated the Accessory Dwelling ordinance is silent on site visits however, under the Conditional Use Permit criteria there is a section that speaks to such. She stated the options are to

either add site visit language to the Accessory Dwelling application or remove the language from the Conditional Use Permit.

Doug Breskin stated given the infrequency in which people apply for ADUs it is not a burden upon the Board to view the site.

Julie Jacobs confirmed the site visit would include walking around the house outside and questioned the purpose of such.

Roger Murray stated he would be in favor of conducting site visits prior to the meetings.

Tavis Austin questioned whether the Board should move it from 175-215 into 175-57.1; noting a larger discussion would be whether to move all of it or some of it.

V. Public Comment

Referencing the Shoreland Regulation discussion, specifically 175-67.A.1 (SF/percentage discussion) from the document he submitted, Rich Masse stated it is important to remember what that note is about. He stated what is trying to be determined is what is the trigger that requires a property owner to provide a somewhat formal estimate/definition of the amount of impervious cover their property has. He stated the consensus was that there should be a threshold for a project before the property owner is required to have a formal indication of their impervious cover. He stated the Board has to decide who has to provide a formal assessment of impervious cover and who doesn't and that being the case, it can only be a SF calculation rather than a percentage. Referencing the proposal before the Board from Wolfeboro Waters which eliminates the provision that says if a property owner doesn't increase the amount of impervious coverage of a project or reduce it by 1%, the property owner doesn't have to do a stormwater management plan. He noted such focuses on the wrong issue; noting it focuses on how you got to your particular percentage of impervious cover rather than what the impact of that cover is.

Tavis Austin stated prior to the Board making a decision legal guidance should be sought.

**VI. Approval of Minutes
September 5, 2023**

Correction: Page 1, Members Absent; change "Steve Webster, Member" to "Steve Webster, Alternate" and change "Peter Goodwin, Alternate" to "Peter Goodwin, Member"

It was moved by Kathy Barnard to approve the September 5, 2023 Planning Board minutes as amended. Doug Breskin seconded the motion. All members voted in favor. The motion passed (7-0-0).

It was moved by John Thurston to adjourn the September 19, 2023 Planning Board meeting. Roger Murray seconded the motion. All members voted in favor. The motion passed.

There being no further business before the Board, the meeting was adjourned at 9:44PM.

Respectfully submitted,
Michaela M. Beckwith

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*** Please note these minutes are subject to amendments and approval at a later date. ***